

## **FACTSHEET**

**TITLE:** **USE PERMIT NO. 89C, Pine Ridge**, requested by Ridge Development Company, for authority to develop approximately 183,980 sq. ft. of retail, restaurant, bank and office uses, on property generally located at South 14<sup>th</sup> Street and Pine Lake Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/08/05; 06/22/05; 07/20/05;  
08/17/05; 09/14/05; 10/12/05; and 11/09/05  
Administrative Action: 11/09/05

**STAFF RECOMMENDATION:** Conditional Approval, as revised.

**RECOMMENDATION:** Conditional Approval, as revised (7-0: Esseks, Pearson, Larson, Carroll, Strand, Sunderman and Carlson voting 'yes'; Krieser and Taylor absent).

**ASSOCIATED REQUESTS:** Change of Zone No. 05042 (06-3)

### **FINDINGS OF FACT:**

1. This proposed amendment to the Pine Ridge use permit was heard in conjunction with the associated Change of Zone No. 05042 from O-3 to B-2. The applicant is requesting adjustments to yard setbacks and to allow lots without frontage to a street or roadway.
2. The staff had originally recommended denial of this proposal because it was not pedestrian oriented and there was a concern about further strip commercial development along Pine Lake Road.
3. These applications were deferred seven times while the applicant continued to negotiate with the staff, culminating in a revised site plan for this amendment to the use permit. The revised plan resulted in the staff recommendation of conditional approval, including approval of the requested waivers, which is based upon the "Analysis" as set forth on p.4-5, concluding that the revised site plan creates a more attractive mixed-use center with good pedestrian access to Pine Lake Road and the adjacent streets, and between buildings in the center.
4. The applicant's testimony is found on p.10, indicating that the applicant and staff had reached agreement on the revised site plan and that the applicant agreed with the conditions of approval as set forth on p.5-7.
5. There was no testimony in opposition.
6. On November 9, 2005, the Planning Commission agreed with the revised staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 25, 2005 (Krieser and Taylor absent).
7. On November 9, 2005, the Planning Commission also voted 7-0 to recommend approval of the associated Change of Zone No. 05042.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 3, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 3, 2006

**REFERENCE NUMBER:** FS\CC\2006\UP.89C+

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2005 PLANNING COMMISSION MEETING

### -REVISED REPORT-

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the use permit application.

**PROJECT #:** Change of Zone #05042  
**Use Permit #89C**

**PROPOSAL:** To change the zoning from O-3 Office Park to B-2 Planned Neighborhood Business to allow restaurant, retail and office.

**LOCATION:** South 14<sup>th</sup> Street and Pine Lake Road

**LAND AREA:** CZ#05042 - 11.6 acres more or less.  
UP#89C - 20.76 acres more or less.

**WAIVERS:**

1. Adjust internal setbacks to 0' in the B-2.
2. Adjust rear yard setback from 50' to 20' in the B-2.
3. Adjust front yard setback from 50' to 20' along the adjacent streets.
4. Allow lots without frontage to a public street or private roadway.

**CONCLUSION:** Staff recommended denial of the original site plan because it was not pedestrian oriented and over concern for further strip commercial development along Pine Lake Road. The revised site plan creates a more attractive and pedestrian-oriented center with good pedestrian access to Pine Lake Road and the adjacent streets, and between buildings in the center.

#### **RECOMMENDATION:**

CZ#05042

**UP#89C**

Approval

**Conditional Approval**

#### **Waivers:**

**-Adjustment to yard setbacks to 0' except to 20'**

**adjacent to South 16<sup>th</sup> and South 20<sup>th</sup> Streets,**

**and Pine Lake Road for Block 2**

**Approval**

**-Allow lots without frontage to a street or roadway**

**Approval**

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal descriptions.

**EXISTING ZONING:** O-3 Office Park, B-2 Planned Neighborhood Business

**PROPOSED ZONING:** Changes a portion of the O-3 Office Park to B-2 Planned Neighborhood Business

**EXISTING LAND USE:** The area of the change of zone is undeveloped; the B-2 from South 14<sup>th</sup> to 16<sup>th</sup> Streets is developed with commercial, and the O-3 east of South 20<sup>th</sup> is developed with office.

## **SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped, School	AG, R-1, P
South:	Residential (multiple-family, single-family)	R-3
East:	Residential (multiple-family)	R-4
West:	Commercial	I-3

## **HISTORY:**

**October 19, 2004** - UP#89B, a request for on-sale alcohol in the B-2 near South 14<sup>th</sup> Street was withdrawn by the applicant.

**July 21, 1997** - UP#89A was approved revising the occupancy schedule to allow the development of commercial space before the construction of the apartments.

**September 9, 1996** - UP#89 was approved allowing 41,500 square feet of office floor area, 45,850 square feet of commercial floor area, and 216 multiple-family units.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F19** - Strip commercial development along transportation corridors is discouraged.

**Page F25** - The Land Use Plan designates the west 5.34 acres of the site for commercial land uses, the remainder is designated as urban residential.

**Page F37** - Commercial and Industrial Development Strategy

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.

**Page F41** - Guiding Principles for Commerce Centers

Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan. These centers shall in themselves include green space and enhance green space separation, where possible, among communities and mixed use areas.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.

Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.

Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized.

**Page F97, 98- Pedestrians**

The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers.

Activity Corridors and Centers - Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed.

**ANALYSIS:**

1. These requests were originally considered at the Planning Commission's June 8, 2005 public hearing. Both applications received recommendations of denial from staff, and at the applicant's request action was delayed until the November 9, 2005 hearing. During the delay the applicant met with staff on several occasions to discuss the development.
2. Both requests have been amended from the original submittal based upon the meetings between staff and applicant. CZ#05042 previously requested changing the zoning from O-3 to B-2 on approximately the west one-half of the land between South 16<sup>th</sup> and South 20<sup>th</sup> Streets, but now includes all of it. Additionally, the site plan associated with UP#89C has also been revised and shows a revised layout with improved pedestrian circulation for the center.
3. Three setback adjustments have been requested, however correctly stated only one is actually required. The site is configured with individual lots surrounded by a common outlot for parking and access. The adjustment will reduce the setback to 0' for buildings on the lots internal to the development, but will maintain a 20' perimeter setback for the development along South 16<sup>th</sup> and South 20<sup>th</sup> Streets, and along Pine Lake Road. The site plan provides adequate separation between individual buildings, but the setback reduction to 20' allows buildings to be moved closer to the street. This provides both an adequate setback at the perimeter of the center, and helps orient the center to the street to create a more pedestrian-friendly environment.
4. An adjustment to the rear setback was originally requested where a portion of the parking lot encroaches into the required 50' rear setback along the south boundary. Parking is allowed in the rear yard in B-2 and an adjustment is not required. A note on the site plan states that twice the required landscaping will be planted adjacent to that area where parking is shown in the 50' setback.

5. As noted previously in #3 above, the site is configured with individual lots surrounded by a common outlot for parking and access. This requires a waiver to the requirement that all lots have frontage to a public street or private roadway. For commercial developments similar to this one, this waiver is typical and appropriate, as it allows for the site to be configured to provide shared parking and use common access points.
6. Multiple sidewalk connections to the adjacent streets are shown. Sidewalks internal to the center are also shown which provide pedestrian connections among buildings and through parking lots. The courtyard between the buildings on Lots 5-7 should be extended south to provide both an expanded outdoor amenity, and to connect with the sidewalk that extends along the south edge of the building as shown on a conceptual plan previously provided to staff.
7. The additional sidewalks, the modified building layout, and the pedestrian orientation are consistent with the goals of the Comprehensive Plan regarding the development of new commercial centers.
8. The Health Department notes that dry cleaning establishments are a permitted use in the B-2, and includes a concern about the proximity of that use to the adjacent residential neighborhood and to Scott Middle School due to potential environmental hazards. The concern is directed at those dry cleaning facilities which launder clothes and use hazardous chemicals as part of the cleaning process, versus the neighborhood laundry drop-off facility which does no processing on site. A note should be added to address this concern.
9. Comments from the Public Works and Utilities Department were not received in time to be addressed in this report, but they are attached. It should be a condition of approval that any deficiencies noted in that review be addressed to the satisfaction of Public Works.
10. Minor changes to the notes shown on the site plan are required and are noted in the conditions of approval. Additionally, the land use table indicates "mixed-use" for Block 2 and is nonspecific. Staff understood that a significant portion of the site would be office, and the applicant has confirmed that at least 45% of the floor area would be dedicated to office uses. The land use table should be revised to reflect this ratio of office floor area.

## **CONDITIONS:**

### **UP#89C**

#### **Site Specific:**

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan as follows:
    - 1.1.1 Show the courtyard on Lots 5-7 expanded and connecting to the sidewalk south of the buildings on those lots.

- 1.1.2 Revise General Note #25 to read as follows: THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES IS PERMITTED IN THE B-2 PROVIDED THE LOCATIONAL REQUIREMENTS OF LMC SECTION 27.31.040 ARE MET.
- 1.1.3 Revise General Note #27 to read as follows: A COMMON ACCESS EASEMENT OVER ALL DRIVES AND PARKING STALLS IS GRANTED AND WILL BE INCLUDED ON FINAL PLATS.
- 1.1.4 Revise General Note #29 to read as follows: THE PARKING LOT LAYOUT IS CONCEPTUAL. THE FINAL PARKING LOT LAYOUT WILL MEET THE YARD SETBACKS AS SHOWN ON THE SITE PLAN AND WILL BE VERIFIED AT THE TIME OF BUILDING PERMIT APPROVAL. PARKING WILL BE PROVIDED IN AN AMOUNT REQUIRED BY LMC CHAPTER 27.67.
- 1.1.5 Revise General Note #31 to read as follows: WHERE PARKING IS SHOWN IN THE REQUIRED REAR YARD THE LANDSCAPE SCREENING IN THE YARD ADJACENT TO THAT PARKING SHALL BE DOUBLE THE AMOUNT REQUIRED BY THE CITY OF LINCOLN DESIGN STANDARDS.
- 1.1.6 Add General Note #32 to read as follows: DRY CLEANING ESTABLISHMENTS THAT INCLUDE ON-SITE PROCESSING OF LAUNDRY ARE PROHIBITED.
- 1.1.7 Revise the Land Use table to state that no less than 45% of the total floor allowed in Block 2 will be dedicated to office uses.
- 1.1.8 Make revisions per the Public Works and Utilities review.
- 1.1.9 Make revisions per the L.E.S. review.

- 2. This approval permits 183,980 square feet of retail, restaurant, bank, and office uses (98,400 on Block 2) with adjustments to yard setbacks to 0' except as shown and to allow lots without frontage to a public street or private roadway.

General:

- 3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a five copies of a revised final plan and the plans are acceptable:
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

Standard:

- 4. The following conditions are applicable to all requests:

- 4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will  
Planner  
October 25, 2005

**APPLICANT/  
CONTACT:**

Mark Palmer  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402-474-6311

**OWNER:**

Ridge Development Company  
2001 Pine Lake Road, Suite 100  
Lincoln, NE 68516

**CHANGE OF ZONE NO. 05042  
FROM O-3 OFFICE PARK TO  
B-2 PLANNED NEIGHBORHOOD BUSINESS  
and  
USE PERMIT NO. 89C**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 8, 2005

Members present: Larson, Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson; Bills-Strand and Esseks absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

Brian Will of Planning staff submitted a letter from Kent Seacrest, the applicant's representative, requesting a two-week delay. Will also submitted a graphic representation of the approved commercial developments within a square mile of this proposal.

Larson moved to defer, with continued public hearing and action on June 22, 2005, seconded by Carroll and carried 7-0: Larson, Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson voting 'yes'; Bills-Strand and Esseks absent.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 22, 2005

Members present: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that Kent Seacrest, on behalf of the applicant, has submitted a written request for four-week delay.

Carroll moved to delay, with continued public hearing and action scheduled for July 20, 2005, seconded by Carlson and carried 9-0: Sunderman, Carlson, Larson, Carroll, Krieser, Taylor, Pearson, Esseks and Bills-Strand voting 'yes'.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 20, 2005

Members present: Larson, Carroll, Sunderman, Esseks, Carlson, Pearson, Taylor and Bills-Strand; Krieser absent.



Staff recommendation: Conditional approval.

Ex Parte Communications: None.

The Clerk announced that the applicant's representative has requested an additional four-week deferral.

Taylor moved to defer four weeks, with continued public hearing and action scheduled for August 17, 2005, seconded by Carroll and carried 8-0: Larson, Carroll, Sunderman, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes'; Krieser absent.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** August 17, 2005

Members present: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested an additional four-week deferral, with continued public hearing and action scheduled for September 14, 2005.

Carroll moved to delay until September 14, 2005, seconded by Pearson and carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes'.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** September 14, 2005

Members present: Esseks, Carroll, Taylor, Larson, Sunderman, Person, Krieser, Bills-Strand and Carlson.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced a request from the applicant for a four-week deferral.

Bills-Strand moved to defer four weeks, with continued public hearing and action on October 12, 2005, seconded by Taylor and carried 9-0: Esseks, Carroll, Taylor, Larson, Sunderman, Pearson, Krieser, Bills-Strand and Carlson voting 'yes'.

There was no public testimony.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** September 14, 2005

Members present: Esseks, Carroll, Taylor, Larson, Sunderman, Person, Krieser, Bills-Strand and Carlson.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced a request from the applicant for a four-week deferral.

Bills-Strand moved to defer four weeks, with continued public hearing and action on October 12, 2005, seconded by Taylor and carried 9-0: Esseks, Carroll, Taylor, Larson, Sunderman, Pearson, Krieser, Bills-Strand and Carlson voting 'yes'.

There was no public testimony.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 9, 2005

Members present: Esseks, Pearson, Larson, Carroll, Strand, Sunderman and Carlson; Taylor and Krieser absent.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit, as revised.

Ex Parte Communications: None.

Proponents

1. **Kent Seacrest** appeared on behalf of **Ridge Development Company**, for development of this 11.6 acre tract on the south side of Pine Lake Road from 16<sup>th</sup> to 20<sup>th</sup> Streets. This is the last vacant parcel from the old 1995 Southridge Coalition which created South Pointe. This piece, originally zoned O-3, consisted of a use permit for 216 apartments in three big buildings, which the neighbors and the developer do not believe are sustainable. A year ago, the applicant submitted a mixed use plan, with the retail on the west and the office on the east, which did not mix it very well. And the staff pointed out that it was not pedestrian oriented with parking in front and that it was too much of a strip development. The applicant then had three neighborhood meetings and 4-5 staff meetings, and six delays later, they have reached consensus.

Seacrest then explained the revised plan being considered today. There is 55% of the footprint as retail and office. The buildings have been moved closer to the street to frame Pine Lake Road by buildings instead of parking lots.

There are sidewalks everywhere. It will not be necessary to walk in the parking lots to get to the stores and there are connections to the key neighbors. In fact, this plan complies with the new proposed sidewalk design standards that are not yet in place. They have also worked with Public Works for a traffic light in the future and intersection improvements at 20<sup>th</sup> and Pine Lake Road, which will really help Scott Middle School. They are also buffering the neighborhood with 50', and in a few places where the parking gets closer, they are doubling the landscape design standard. There will be open space and a pedestrian plaza. The lighting will not trespass onto the neighbors. This proposal helps the neighborhood by improving the drainage problems and the developer is promising not to do keno bars. They do want sit-down restaurants but none of the active keno bars.

Seacrest agreed with the proposed conditions of approval.

Larson inquired whether the only access to the area is on 16<sup>th</sup> and 20<sup>th</sup>. Seacrest also pointed out the right-in, right-out access on Pine Lake Road.

There was no testimony in opposition.

**CHANGE OF ZONE NO. 05042**

**ACTION BY PLANNING COMMISSION:**

November 9, 2005

Carroll moved approval, seconded by Strand.

Pearson commented that she thinks this is terrific, but she is sorry the developer had to go out of town to find an architect; however, she is personally very impressed with the site plan.

Motion for approval carried 7-0: Esseks, Pearson, Larson, Carroll, Strand, Sunderman and Carlson voting 'yes'; Krieser and Taylor absent. This is a recommendation to the City Council.

**USE PERMIT NO. 89C**

**ACTION BY PLANNING COMMISSION:**

November 9, 2005

Carroll moved to approve the staff recommendation of conditional approval, seconded by Strand and carried 7-0: Esseks, Pearson, Larson, Carroll, Strand, Sunderman and Carlson voting 'yes'; Krieser and Taylor absent. This is a recommendation to the City Council.



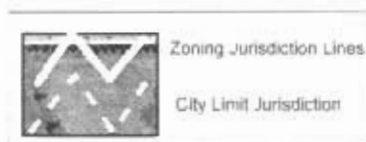
2005 aerial

## Use Permit #89C S. 14th & Pine Lake Rd.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 24 T9N R6E



**LEGAL DESCRIPTION  
AMENDMENT TO USE PERMIT 89A**

A TRACT OF LAND COMPOSED OF LOTS 1, 2, & 3, BLOCK 2, AND OUTLOT 'A', BLOCK 3 OF PINE RIDGE 1<sup>st</sup> ADDITION; LOTS 1 & 2 OF PINE RIDGE 2<sup>nd</sup> ADDITION; LOTS 1, 2, 3, 4, AND OUTLOT 'A' OF PINE RIDGE 3<sup>rd</sup> ADDITION; LOT 1 AND OUTLOT 'A' OF PINE RIDGE 4<sup>th</sup> ADDITION; LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER, COUNTY, NEBRASKA.

April 25, 2005  
F:\Projects\20040794\doc\Legal Desc for Application.doc





### TYPICAL PARKING DETAILS

[illegible]

COUNTY	SEMIUS	LEWIS	TAMM	CHAND	DELA
A	100.00	20.00	10.00	20.00	20.00

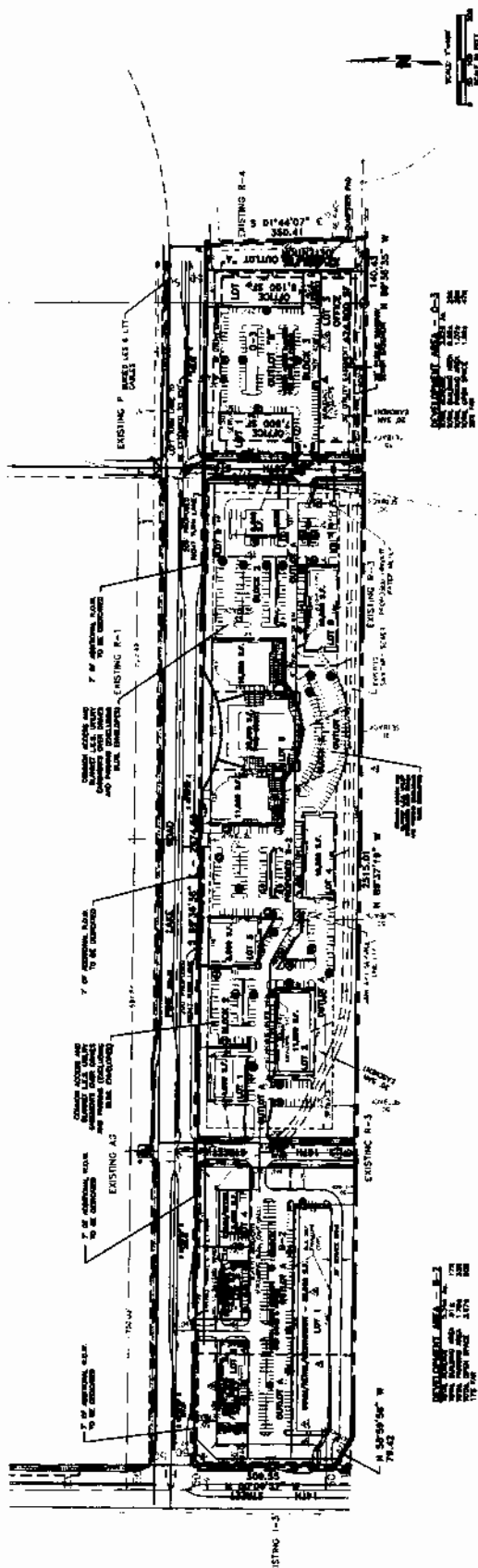
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- THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATIONS  
100 N. 5TH ST. NEW YORK, N.Y. 10017

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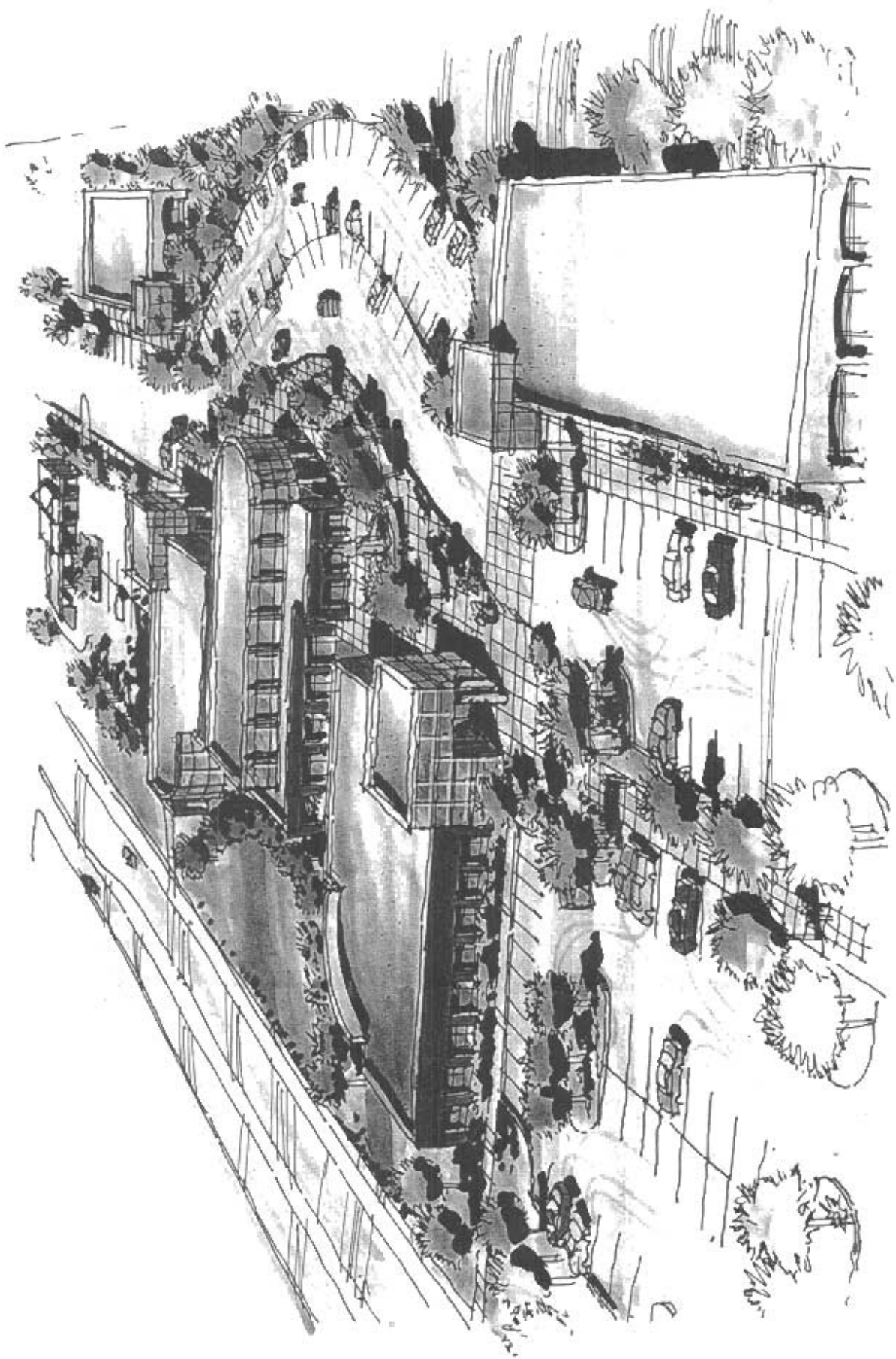
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1-800-555-1234

EVELOPMENT AREA - B-2	
Item	Value
1. Building	\$1.00
2. Equipment	\$1.00
3. Materials	\$1.00
4. Labor	\$1.00
5. Other	\$1.00
6. Total	\$5.00







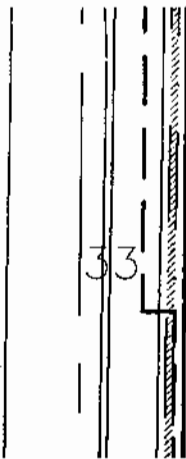
## LAND USE

	BLDG NO.#	ZONE	FLOOR AREA (S.F.)	USE	PARKING	HEIGHT
	BLK 1					
△ 4	#1	B-2	26,500	COMMERCIAL/RETAIL	88	35'
		B-2	7,400	RESTAURANT	74	
△ 4	#2	B-2	3,500	CONV./GAS/CAR WASH	12	35'
△ 4	#3	B-2	3,000	RESTAURANT	30	35'
△ 4	#4	B-2	3,680	COMMERCIAL/RETAIL	13	
△ 4	TOTAL		44,080		217	
	BLK 2					
△	LOT 1	B-2	4,000	MIXED USE	*	35'
△	LOT 2	B-2	11,500	MIXED USE	*	35'
△	LOT 3	B-2	8,900	MIXED USE	*	35'
△	LOT 4	B-2	10,000	MIXED USE	*	35'
△	LOT 5	B-2	11,000	MIXED USE	*	35'
△	LOT 6	B-2	28,000	MIXED USE	*	35'
△	LOT 7	B-2	10,000	MIXED USE	*	35'
△	LOT 8	B-2	10,000	MIXED USE	*	35'
△	LOT 9	B-2	5,000	MIXED USE	*	35'
△	TOTAL		98,400		473	
	BLK 3					
△ 4	LOT 1	O-3	7,500	OFFICE	30	35'
△ 4	LOT 2	O-3	9,100	OFFICE	25	35'
△ 4	LOT 3	O-3	24,900	OFFICE	114	35'
△ 4	TOTAL		41,500		169	

- △ \* THE B-2 USES WILL BE MIXED USES, INCLUDING OFFICE, RETAIL, SERVICE, AND OTHER PERMITTED B-2 USES. THE B-2 USES SHALL BE LIMITED BY THE NUMBER OF PARKING STALLS AVAILABLE ON SITE.
- \* NO LESS THAN 45% OF THE TOTAL FLOOR ALLOWED IN BLOCK 2 SHALL BE DEDICATED TO OFFICE USES.

## WAIVERS △

1. TO WAIVE INTERNAL YARD SETBACKS TO 0' IN THE B-2 AREA.
2. A WAIVER OF 50' REAR YARD SETBACK TO 20' AS SHOWN ON THE SITE PLAN SOUTH OF LOT 6.
3. A WAIVER OF THE FRONT YARD SETBACK FROM 50' TO 20' ABUTTING PINE LAKE RD., S. 16TH ST., AND S. 20TH ST.
4. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO ALLOW LOTS WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY.



7' OF ADDITIONAL R.O.W.  
TO BE DEDICATED

## GENERAL NOTES ▲

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 8" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH LES
3. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
4. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE.
5. A PRIVATE WATER MAIN HAS BEEN CONSTRUCTED ALONG THE SOUTH SIDE OF PINE LAKE ROAD, WEST OF SOUTH 16TH STREET TO SERVE LOTS 1, 2, 3, & 4 OF BLOCK 1.
6. THE PROPOSED DEVELOPMENT IS CURRENTLY ZONED O-3 & B-2
7. SIDEWALKS TO BE BUILT ALONG S. 14TH STREET, BOTH SIDES OF S. 16TH STREET, AND S. 20TH STREET, AND ALONG THE SOUTH SIDE OF PINE LAKE ROAD.
8. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
9. DIRECT VEHICULAR ACCESS TO PINE LAKE ROAD, S. 14TH STREET, S. 16TH STREET, AND S. 20TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THE SITE PLAN.
10. ALL SIDEWALK, DRIVE, AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.
11. ALL SIDEWALKS TO BE BUILT 4' MIN. WIDTH.
12. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
13. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
14. THE APPLICANT SHALL COMPLY WITH ENVIRONMENTAL PERFORMANCE STANDARDS OF THE CITY OF LINCOLN.
15. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT & SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT.
16. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
17. ALL ELEVATIONS ARE TO CITY OF LINCOLN DATUM.
18. ALL DIMENSIONS ARE TO BACK OF CURB.
19. ALL LANDSCAPING WILL BE LOCATED OUTSIDE OF THE CRITICAL SITE TRIANGLE.
20. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
21. FENCES, DUMPSTERS, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 25' x 25' OR SMALLER AND ARE OUTSIDE OF THE SITE TRIANGLES AND SETBACKS AND ARE BUILT IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
22. INDIVIDUAL LOT AND PARKING LOT LANDSCAPING FOR BLOCK 2 WILL BE SUBMITTED AND REVIEWED AT THE TIME OF BUILDING PERMITS.
23. THE YARD SETBACKS AND BUILDING ENVELOPES REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, EAVES, PATIOS, DOOR SWINGS AND WINDOW SWINGS FROM ENCRoACHING INTO THE SETBACKS.
24. ALL SETBACKS SHALL BE MEASURED FROM THE ORIGINAL 100' R.O.W. LINE, ANY ADDITIONAL R.O.W. GIVEN BY THE OWNER/DEVELOPER SHALL NOT AFFECT THE ESTABLISHED SETBACKS FOR BLOCKS 1 AND 3.
- ▲ 25. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES IS PERMITTED IN THE B-2 PROVIDED THE LOCATIONAL REQUIREMENTS OF LMC SECTION 27.31.040 ARE MET.
26. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES/LOT SHOWN ON EACH LOT.
27. A COMMON ACCESS EASEMENT OVER ALL DRIVES AND PARKING STALLS IS GRANTED AND WILL BE INCLUDED ON FINAL PLATS.
28. A PUBLIC PEDESTRIAN EASEMENT SHALL BE DEDICATED WITHIN THE FRONT YARD SETBACK ADJACENT TO PINE LAKE ROAD TO ALLOW THE SIDEWALK TO BE LOCATED A MINIMUM OF 10' FROM THE BACK OF CURB EXCEPT FOR EXISTING CONSTRUCTED SIDEWALKS.
29. THE PARKING LOT LAYOUT IS CONCEPTUAL. THE FINAL PARKING LOT LAYOUT WILL MEET THE YARD SETBACKS AS SHOWN ON THE SITE PLAN AND WILL BE VERIFIED AT THE TIME OF BUILDING PERMIT APPROVAL. PARKING WILL BE PROVIDED IN AN AMOUNT REQUIRED BY LMC CHAPTER 27.67.
30. LOT 6 SHALL BE TWO-STORIES HIGH.
31. WHERE PARKING IS SHOWN IN THE REQUIRED REAR YARD THE LANDSCAPE SCREENING IN THE YARD ADJACENT TO THAT PARKING SHALL BE DOUBLE THE AMOUNT REQUIRED BY THE CITY OF LINCOLN DESIGN STANDARDS.
32. DRY CLEANING ESTABLISHMENTS THAT INCLUDE ON-SITE PROCESSING OF LAUNDRY ARE PROHIBITED.

# **SEACREST & KALKOWSKI, P.C.**

1111 LINCOLN MALL, SUITE 350  
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000  
FACSIMILE (402) 435-6100

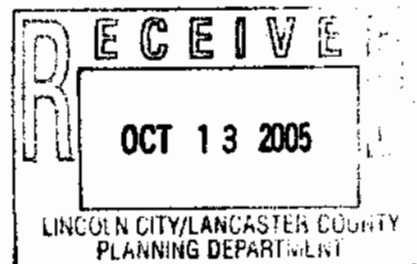
KENT SEACREST  
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI  
E-MAIL: danay@sk-law.com

October 13, 2005

## **HAND DELIVERY**

Mr. Marvin Krout  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: Re-submittal of Amendment to Use Permit 89A  
Change of Zone  
OA Project No. 2004-0794

Dear Marvin:

Our law firm represents Northern Lights, L.L.C., c/o Ridge Development Company ("Owner"), who is the owner of the property on the south side of Pine Lake Road, between South 16<sup>th</sup> Street and South 20<sup>th</sup> Street. On May 12, 2005, we applied for an Amendment to Use Permit 89A and a B-2 Change of Zone. See May 12, 2005 submittal letter and enclosures.

### **History:**

In 1996, the property was zoned O-3, Office Park with an approved Use Permit #89A for three large apartment buildings, each proposed to contain 72 units for a total of 216 apartment units. To date, we have not been successful in marketing the site for apartments. After discussing the matter with the abutting neighborhood, we would like to develop the site into a mixed-use of retail and offices.

You and your staff have been kind and met with us on many occasions to develop a better mixed-use center. The latest site plan, a copy of which is enclosed herein, and emails appeared to address everyone's interests and concerns.

### **Re-submittal Materials:**

Our re-submittal application materials include the following:

1. Revised Change of Zone legal description and exhibit
2. Revised Site Plan - 21 copies
3. Revised Drainage and Grading Plans - 9 copies
4. Revised Landscape Plan - 5 copies

Under our May 12<sup>th</sup> letter, we previously submitted the following application materials which are still relevant:

1. Application for a Use Permit Amendment with submittal requirements
2. Use Permit Application fee
3. Change of Zone application with submittal requirements
4. Change of Zone fee
5. Traffic study- 3 copies
6. Ownership Certificate - 1 copy

Our requested waivers are stated on the enclosed Site Plan.

#### **Rationale For Our Request:**

As you know, we have had many meetings with City Staff to receive valuable input to improve the Site Plan. Our revised Site Plan and proposed B-2 rezoning requests permits the mixed-uses to move around based upon market interest and still be unified with the pedestrian sidewalks and quality design elements.

The Site Plan also achieves many important Comprehensive Plan objectives, including the Incentive Criteria (p. F 48):

- The mixed-use center is located in a neighborhood with greater residential density than is typical for a suburban area.
- The proposed center provides a significant mix of uses, including office (including two stories), service, retail, and open space.
- There will be many public and pedestrian amenities such as a significant open space and plaza meeting area.
- The proposed Site Plan provides for greater pedestrian orientation in its layout, physical arrangement of buildings and parking. Furthermore, the buildings are oriented to pedestrians.

Doug Halvorson of Purdy & Slack Architects designed the revised Site Plan on behalf of the developer. The Site Plan does a fine job of avoiding the "strip development" look that is discouraged by the Comprehensive Plan. The Comprehensive Plan seeks to give bonus for quality pedestrian designed projects. In addition, we believe this unique Site Plan meets the proposed changes to the new Sidewalk Design Standards as they might apply to this type of mixed-use center.

#### **Expressed Neighborhood Concerns Met:**

We have also met with the Vavrina neighbors on three occasions and we are scheduled to meet with the Vavrina neighbors again on November 2, 2005 to show them the latest Site Plan. At the neighborhood meetings the following matters were raised:

1. The neighbors are concerned that the lighting on the buildings and in parking areas would trespass upon their residential lots. We have committed to meet the City's new lighting ordinance which addresses these lighting concerns.

2. Several of the neighbors' lots and homes have drainage problems. Our grading and drainage plan addresses these issues and will cause our property waters to drain away from the residential neighborhood.

3. The neighborhood desires restaurant(s) with the ability to be served an alcoholic beverage, but do not want "Brewsky's" or a "Heidelbergs" restaurant/bar. We have pledged to the neighborhood that we will place a restrictive covenant on the property to prohibit a restaurant/bar having keno. We believe keno operations are not found in the type of sit-down restaurants that also serve liquor that the neighbors desire, such as an Applebee's restaurant/bar.

We thank you for your patience and consideration of our request. Please contact us if you have any questions or require additional information.

Sincerely,



Kent Seacrest  
For the Firm

Enclosures

cc with site plan:

Ray Hill

Brian Will

John Brager

Tom White

Councilman Jonathan Cook

Mark Palmer

Doug Halvorson

JoAnn Brethouwer, Vavrina Homeowners Association

# Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities  
Dennis Bartels Public Works and Utilities

Subject: Pine Ridge Use Permit UP #89C

Date: October 28, 2005

cc:

Engineering Services has reviewed the submitted plans for the Pine Ridge Use Permit, located on the south side of Pine Lake Road between 16<sup>th</sup> and 20<sup>th</sup> Streets, and has the following comments:

- This developer is responsible for the right turn lanes in Pine Lake Road at the driveway entrance and at South 20<sup>th</sup> Street, the extension of the left turn lane in Pine Lake Road at South 20<sup>th</sup> Street, and one quarter of the cost of the traffic signal at South 20<sup>th</sup> and Pine Lake Road.
- The 150' right turn lanes are not satisfactory. The plan needs to be revised to show 200' right turn lanes as recommended by Public Works.



Status of Review: Approved

Reviewed By ANY

Comments:

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Status of Review: Active

Reviewed By 911 ANY

Comments:

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Status of Review: Approved

Reviewed By Alltel ANY

Comments:

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Status of Review: Active

Reviewed By Building & Safety ANY

Comments:

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Status of Review: Approved

Reviewed By Building & Safety 10/14/2005 1:35:13 PM BOB FIEDLER

Comments: approved

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Status of Review: Approved

Reviewed By Fire Department 10/14/2005 3:03:55 PM ANY

Comments: Upon review of Change of Zone (PUD) # CZ05042 and Use Permit # UP89C, we have no objections from the perspective of our department.

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Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: October 25, 2005

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Pine Ridge

EH Administration CZ #05042 UP #89C

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

Due to the proximity of residential zoning and Scott Middle School, the LLCHD has concerns regarding the permitted the use of Dry cleaning or laundry establishments within the B-2 zoning district. Therefore, the LLCHD recommends prohibiting this use via the use permit conditions of approval.

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become with familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



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Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

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Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

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Status of Review: Approved

Reviewed By Parks & Recreation

ANY

Comments:

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Status of Review: Routed

Reviewed By Planning Department

SARA HARTZELL

Comments:

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Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

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Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

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Status of Review: Active

Reviewed By Public Utilities - Wastewater

ANY

Comments:

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Status of Review: Active

Reviewed By Public Works - Development Services

ANY

Comments:

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Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

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Status of Review: Active

Reviewed By Public Works - Watershed Management

ANY

Comments:

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Status of Review: Active

Reviewed By School District

ANY

Comments:

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Status of Review: Active

Reviewed By US Post Office

ANY

Comments:

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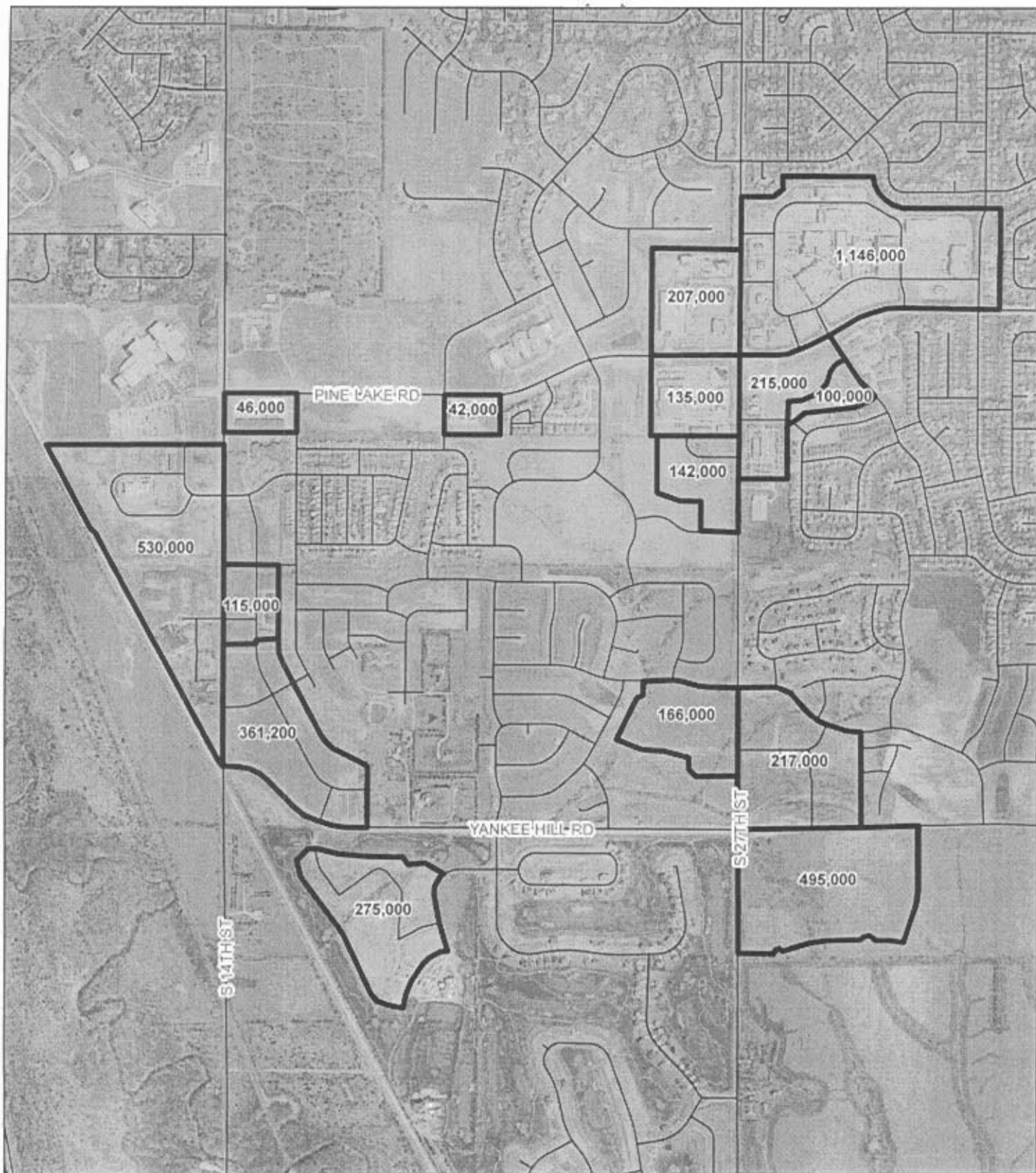
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## MEMORANDUM

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**TO:** Planning Commission  
**FROM:** Brian Will *BW* Planning Department  
**SUBJECT:** CZ#05042/UP#89C - South 14<sup>th</sup> Street and Pine Lake Road  
**DATE:** June 2, 2005

In the combined staff report for CZ#05042/UP#89C, staff referenced the amount of approved commercial floor area in the vicinity of the area bounded by South 14<sup>th</sup> and South 27<sup>th</sup> Streets, and by Pine Lake and Yankee Hill Roads. For easier reference, attached is a map that identifies the commercial centers in this area, and shows the approved total amount of commercial floor area for each center.



## APPROVED COMMERCIAL FLOOR AREA (Sq. Ft.) BY SHOPPING CENTER

